

CHAPTER 4

STATE AGENCY OPERATIONS

4-1 FUNCTIONS OF THE COMMISSION.

The scope of the Tennessee Commission on Aging is defined in the Tennessee Commission on Aging Act of 1982, the state legislation creating the Commission on Aging, (T.C.A. 71-2-101) and in the Older Americans Act of 1965, as amended, the federal legislation providing the primary funding for the comprehensive and coordinated service system administered by the Commission on Aging (42 USCA 3001-3058).

The purposes of the Tennessee Commission on Aging, as set forth in the enabling act, are to provide a comprehensive and coordinated service system for the state's aging population, giving a high priority to those persons in greatest need, and to conduct studies and research into the needs and problems of the aging. The Commission on Aging Act declares that the Commission shall be the sole agency in the state to plan, develop, and administer all projects, programs, services, and state and federal funds designated for and relating to older persons, including those sponsored by the federal government, when such projects, programs, and services are not the specific responsibility of another state agency pursuant to some other federal or state law. The Commission is to serve as an advocate within government and in the community for older persons in Tennessee; is to advise the governor and the heads of state departments and agencies regarding policies, programs, services, allocation of funds, and the needs of older persons in Tennessee; and is to make recommendations for legislative action. The Commission is charged by its legislation to stimulate more effective use of existing resources and services for older persons, and to develop programs, opportunities, and services which are not otherwise provided. A complete listing of powers and duties are found in Section 71-2-105 of the Tennessee Commission on Aging Act.

4-2 FUNDING OF THE COMMISSION.

4-2-.01 FUNDING AUTHORITY.

The Commission is authorized to accept funds from the federal government, the Tennessee General Assembly, and from public and private sources. The allocation of such funds is subject to the limits of the appropriation by the general assembly and to the funds available or received from the federal government or other funding authority for such projects and services.

4-2-.02 FUNDING STRATEGY.

Under the strategy outlined in the Older Americans Act, the responsibility for setting service priorities and funding Title III services lies with the designated area agency within each planning and service area. Under Title III the Commission funds the area agency's area plan on aging, rather

than individual service provider applications. Each area agency on aging is expected to garner resources in addition to the funding provided under the Older Americans Act and the state appropriations.

4-3 PERSONNEL PRACTICES.

The state agency is responsible for recruiting and employing staff members to administer the State Plan on Aging and for carrying out the functions and responsibilities prescribed under the Older Americans Act, federal regulations and state law.

- (1) The state agency has on file for review a staffing plan identifying the numbers and types of staff assigned to carry out state agency responsibilities and functions under this part.
- (2) Subject to the requirements of the State of Tennessee Merit System, the state agency will give preference to persons aged sixty or over for any of its staff positions (full or part-time) for which such persons qualify.
- (3) The state agency may contract for the performance of certain functions and responsibilities to other parties, but such contractual arrangements shall not be utilized as a substitute for adequate staffing.
- (4) All state agency personnel positions, except that of Director, shall be classified by the Tennessee Merit System and shall follow the classifications for established pay scales.
- (5) Hiring and all other personnel practices shall be conducted in conformity with the Tennessee Merit System standards, to assure nondiscrimination and exclusion of patronage.
- (6) The state agency shall maintain a code of conduct, consistent with Tennessee State Personnel Policies, for its staff and those working with all programs under its authority. Aging Network Staff are prohibited from using their positions to solicit favors or gratuities from any persons connected with these programs or in any way misusing their authority in the performance of their duties. Any staff member who abuses his/her authority shall be subject to dismissal.

4-4 STATE AGENCY LOCATION AND OFFICE HOURS.

The state agency is located on the ninth floor of the Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, Tennessee, 37243-0860. Office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, Central Time, closed for State Holidays.

4-5 STATE AGENCY STAFFING.

The state agency staffing pattern will meet the following functional standards:

- (1) The state agency staff is headed by the Director of the Commission on Aging, an individual qualified by

education and experience to assume leadership of the program. The Director is administratively responsible to the Commission for the state agency's program activities and interagency coordination.

- (2) The Community Services Section provides consultation, guidance, and technical assistance related to ongoing program implementation to area agencies on aging, local councils on aging, and other agencies providing aging services under Title III of the Older Americans Act, and the State Aging Grant Programs included in the area plan. The Community Services Section coordinates the periodic assessments of area agencies on aging activities and Title III programs. In cooperation with the area agencies, it monitors the activities of selected service providers under the area plan.
- (3) The Planning Section is responsible for statewide planning and for supporting the planning efforts of the aging services network. This section coordinates planning activities with other agencies; develops structure, format, goals, and criteria for area plans and state plans; and monitors the progress of the state plan. The planning function includes: developing, maintaining, and making available information on the characteristics and present and projected needs of the aging population of Tennessee and on the resources to meet those needs; reviewing and commenting on plans and proposals; coordinating the preparation of periodic agency reports; and conducting hearings. This section investigates sources of funds, and develops applications for funding special projects. The Planning Section maintains the policies and procedures manual, manages the resource center, and oversees special short-term or demonstration projects.
- (4) The Fiscal and Administrative Services Section is responsible for developing and maintaining accounting systems and financial controls, as well as for the preparation of financial reports, for all programs operated by the State Agency. These include funds from the Older Americans Act, state appropriations, and special grants or contracts from other sources. This section prepares State Agency budgets and reviews audits for grant and contract programs operated by the State Agency. The section also provides technical assistance to contractors and grantees, and monitors and assesses fiscal activities of area agencies on aging and other grantee agencies. The section is responsible for State Agency personnel functions, procurement, property management, maintenance of the State Agency's office facilities, preparing the Management Information Systems Plan, and supporting agency computer systems.
- (5) The Advocacy/Elder Rights and Training Section develops and implements the Commission's Title VII Elder Rights Protection Plan, which includes the Office of the State Long-Term Care Ombudsman, Legal Assistance for the

Elderly, Benefits Counseling, Elder Abuse Prevention, and Public Guardianship for the Elderly. The section develops short-term training, and provides technical assistance to agencies and institutions in developing age-related training programs and maintains a lending library of films and other training materials. This section is responsible for monitoring and assessing Title VII activities carried out under area plans, and for program development and technical assistance to area agencies and Title VII service providers related to Elder Rights Protection.

- (6) The Senior Community Services Employment Program (SCSEP) is funded under Title V of the Older Americans Act and administered by the U. S. Department of Labor. The Commission contracts directly with seven (7) service providers in the state; the program is not funded through area agencies on aging. The Employment Services Coordinator administers the program and is responsible for programmatic technical assistance, monitoring, and assessment. The Fiscal and Administrative Services Section provides fiscal technical assistance, monitoring, and assessment to SCSEP service providers.
- (7) The Support Services Section is responsible for providing secretarial and clerical support to all sections of the agency.

4-6 STATE AGENCY PROCEDURES.

The state agency has, and follows, written procedures in carrying out all of its functions under the Older Americans Act. Such procedures are adopted in accordance with the following steps. The state agency:

- (1) Develops proposed procedures;
- (2) Publishes the proposed procedures in a manner that allows area agencies, providers of services, and older persons within Tennessee adequate opportunity to comment;
- (3) Considers all comments in establishing final procedures;
- (4) Incorporates, directly or by reference, all current policies and procedures of the Tennessee Commission on Aging; and,
- (5) Keeps its procedures current and revises them as necessary by written notice.

4-7 PUBLIC INFORMATION AND DISCLOSURE OF INFORMATION.

4-7-.01 Confidentiality

The state agency requires that lists of older persons compiled under information and assistance provisions of the Older Americans Act, and data from client assessments, be used solely for the purpose of providing services. The client's right to personal autonomy and to privacy will be respected in all cases. Details of the client's condition and identity will not be disclosed without his/her informed consent, except in compliance with court orders or to report

elder abuse as required by TCA-71-6-101, the Tennessee Adult Protection Act.

4-7-.02 Disclosure

Subject to confidentiality requirements, the state agency will make available at reasonable times and places to all interested parties the written procedures required under the Older Americans Act and all other information and documents developed or received by the state agency in carrying out its responsibilities.

4-7-.03 Copies

A fee of \$.10 (ten cents) per page may be charged for photocopies of documents unless there is a statutory requirement for the Commission to provide such information at no cost. Photocopying fees will be waived for local, state or federal government agencies and legislative offices. All publications which have been printed at state agency expense will be available for purchase for the cost of printing plus postage by any agency or individual upon request.

4-8 STATE PLAN ON AGING.

- (1) The state plan on aging is the document submitted by the State Agency in order to receive funds from its allotments under the Older Americans Act. It contains provisions required by Section 307 of the Act and implementing regulations, and commitments that the State Agency will administer or supervise the administration of activities funded under the Older Americans Act in accordance with all federal requirements.
- (2) The state plan on aging shall be developed in accordance with all guidelines issued by the Administration on Aging.
- (3) The state plan shall be based on plans of area agencies on aging through consultation with all area agencies in the state to:
 - (a) Determine needs of older persons in the state;
 - (b) Assist in establishing statewide priorities; and
 - (c) Ensure that the objectives established in the state and area plans are consistent.
- (4) The State Agency shall conduct a public hearing on the state plan on aging, and on all substantive amendments to the state plan. Adequate public notice of the date, time, and location of the hearing shall be given to older persons, public officials, and other interested parties. The public hearing shall be held in an accessible location which allows a reasonable opportunity for participation. All attendees at the public hearing shall be provided printed information on the state plan on aging, and be given opportunity to comment verbally and/or in writing.
- (5) These standards for public hearings are met through the following specific procedures: The public hearing(s) shall be advertised at least two weeks in advance in

major newspapers of the state's largest metropolitan areas. Senior newspapers and smaller weekly and bi-weekly newspapers shall be sent news releases on the public hearing(s). Area agencies, service providers, and Commission members shall be sent special notices. Service providers shall be asked to post the notice of the public hearing at service sites.

- (6) The state plan on aging shall be reviewed by the Commission prior to the public hearing and again before submission to the Governor for review and signature. After signature by the Governor, the plan shall be submitted, at least 45 days before the effective date of the plan or plan amendment to the regional office of the Administration on Aging, for approval by the Assistant Secretary for Aging.

4-9 AREA PLANS ON AGING.

4-9-.01 PREPARATION AND DISSEMINATION OF UNIFORM AREA PLAN FORMAT, INSTRUCTIONS AND FUNDING LEVELS.

- (1) The uniform area plan format, instructions, resources allocation plans for state and Federal funds, and schedule for submission, review and approval will be made available for all applicants at least 90 days before the plans are due.
- (2) The federal allocation will be based on the best estimates of federal funding available on December 31 and will not be revised during the fiscal year unless there is a decrease in federal funds. The annual allocation plan will be accompanied by a chart listing the data used in each of the formula factors: total persons 60+, persons 60+ below 125% of poverty, 60+ minorities below poverty, and 60+ living in rural areas (outside MSA's). The source of data shall be cited.

4-9-.02 REVIEW AND APPROVAL PROCESS.

- (1) Area plans on aging, and area plan updates, shall be received by the Supervisor of Community Services, who shall be responsible for developing and coordinating the area plan review process. This review process shall be approved by the State Agency's director and supervisors.
- (2) Area plans on aging, with recommendations regarding approval, shall be presented by staff to the Commission.
- (3) All conditions to approval of area plans must be met before final approval of the plan.

4-9-.03 PROCEDURES FOR DISAPPROVAL OF AN AREA PLAN.

- (1) Any area plan or update which is not in substantial conformity with the Older Americans Act, the federal regulations and Commission policy shall be disapproved.
- (2) For disapproval of funding of an area plan, written notification shall be sent to the area agency at least thirty (30) days prior to the beginning of the budget year for which continuation funding is being requested.
- (3) Any area agency whose request for approval of its area plan has been denied in whole or in part shall be granted an opportunity for a hearing before the Commission as described in Chapter 3 of these policies.

4-10 APPROVAL OF CONTRACTS UNDER AN AREA PLAN.

- (1) The state agency will require prior approval of all contracts proposed for funding with profit-making organizations under an area plan.
- (2) Copies of all executed contracts must be forwarded to the state agency within 30 days after the plan becomes effective.

4-11 REPORTING PROCEDURES.

- (1) The state agency will review reports submitted by area agencies:
 - (a) To determine that federal, state, and local funds have been expended according to approved budgets;
 - (b) To determine that each contractor's request for funds is correct and corresponds with its cash needs;
 - (c) To determine whether projects are making progress toward achieving stated goals and objectives;
 - (d) To identify any significant operational problems which should be corrected (e.g., ineligible activities, inferior services, inadequate fiscal knowledge, or excessive administrative costs);
 - (e) To identify the need for technical assistance;
 - (f) To provide information needed for the state agency to prepare and submit reports to the Administration on Aging or other funding agencies; and,
 - (g) To provide information which will enable the state agency to allocate, or reallocate, funds for maximum impact.
- (2) The state agency will issue uniform program performance and fiscal status report forms to each contractor prior to the beginning of each fiscal year, or when changes are issued by the Federal funder.
- (3) The reporting information from service providers must be maintained in the area agency's official files to permit review by state agency staff or other authorized persons.

4-12 PROGRAM AND FISCAL MONITORING AND ASSESSMENT OF GRANTEES/CONTRACTORS.

The state agency is responsible for assessing the administration of area plans and reviewing the performance of its grantees and contractors to ensure that all recipients of Federal and/or State funds operate effectively and in compliance with the conditions of their grants/contracts.

4-12-.01 PURPOSE OF MONITORING AND ASSESSMENT.

Monitoring and assessment activities carried out by the State Agency are directed toward:

- (1) Measuring the area agency on aging's progress toward developing a comprehensive and coordinated service delivery system in the planning and service area, and to guide the state agency in providing resources and technical support to enhance the development of such systems;
- (2) Identifying performance problems as a basis for determining grantee/contractor need for technical assistance and training;
- (3) Ensuring compliance with applicable federal and state laws, regulation, performance standards, and other requirements; and
- (4) Ensuring cost-effective use of available resources for the elderly.

4-12-.02 MONITORING AND ASSESSMENT PROCEDURES.

The State Agency will carry out its monitoring responsibilities as follows:

- (1) The Commission on Aging staff will periodically conduct desk reviews of grantees/contractors, consisting of review and analysis of such areas as subcontracts, correspondence, expenditure reports and requests for cash, program reports, and prior monitoring and audit reports. Deficiencies and potential problems will be noted and examined in greater detail during an on-site review.
- (2) Commission on Aging staff may conduct unannounced monitoring visits to service sites only when authorized by the Director.
- (3) Commission on Aging staff will conduct at least one scheduled on-site assessment visit to each area agency on aging or grantee/contractor annually. Procedures for on-site visits shall include:
 - (a) The Commission on Aging will provide written notification to the AAA, grantee, or contractor two weeks prior to the on-site visit. Such notice shall include date and time of entry interview, approximate date and time of exit interview, appropriate staff to be present, and Tennessee Commission on Aging contact person for the review.
 - (b) At the discretion of the grantee director, each on-site review will begin with a conference in which the state staff will brief the AAA director, contractor signatory official (or designee), and other appropriate staff. During the entry

interview, the state staff will explain the purpose of the review and the areas to be examined, make appointments with appropriate staff, itemize the records required for review, make logistical arrangements, and answer any staff preliminary questions.

- (c) In most cases, structured assessment instruments shall be used to review grantees and will be completed during the review. The response to each question will be based on the most accurate source of information, primarily written documentation such as procedures and records. Responses indicating non-compliance should include copies of documentation sufficient to support the noncompliance finding, where possible. (Reported fiscal and program data will be verified during the visit.)
- (d) Each assessment visit will conclude with an exit interview in which the state staff will brief the AAA director, grantee/contractor signatory official (or designee), and other appropriate staff of any significant findings of the review and recommendations which the state staff will make to the State Agency. Recommendations are not official until the grantee receives them in writing from the State Agency.
- (e) Within forty-five (45) days following each on-site review, the state staff will submit to the grantee a written report consisting of a face page and a listing of the findings and recommendations. A finding is an objective narrative description of non-compliance with Federal regulation, contract, applicable OMB circulars, or any other state or federal policy or law. Documentation necessary to support the findings and pertinent data will be referenced in the report. Each finding must be followed by a recommendation as to the most appropriate action to correct any deficiency or violation noted in the findings. If no deficiencies have been noted, the recommendation will indicate none. If the review reveals commendable practices, this will be noted under the findings.
- (f) Each report will be submitted to the director of the Commission along with a transmittal letter, for approval and signature. The director will forward the report to the grantee/contractor. The letter will include time frames for completion of corrective actions and the Commission on Aging follow-up.
- (g) In the event that field staff discover indication of possible fraud, mismanagement, or program abuse during the course of an on-site review, they will immediately notify the director of the Commission.

- (5) Termination or suspension of an area plan, withholding funds, or other punitive actions may be taken by the Commission if an area agency grantee, or contractor fails to take action and correct problems specified by the state agency as a result of monitoring or assessment findings.

4-13 TECHNICAL ASSISTANCE.

- (1) The state agency will provide technical assistance (including on-site visits where necessary) as needed to area agencies and other grantee agencies and to other organizations engaged in activities relating to the state plan or area plans on aging.
- (2) The technical assistance provided will be closely related to the state agency's monitoring and assessment findings, needs identified by area agencies, and/or needs identified through review of area plans, (or applications submitted by other applicants.)
- (3) The following procedure will be applied in responding to requests for technical assistance initiated by area agencies and service providers under area plans.
 - (a) Technical assistance will be provided by program and fiscal staff on routine program implementation as the need arises.
 - (b) Requests for technical assistance from area agencies, service providers, and other public or private agencies/organizations that are not related to routine program implementation will be handled as follows:
 1. Service providers should submit a request for technical assistance to the area agency for response. Area agencies will determine if the area agency or the state agency is the appropriate agency to provide such assistance.
 2. Referral of requests for such technical assistance on behalf of providers, or requests for technical assistance to area agency staff not related to routine program implementation, should be made in writing addressed to the director of the Commission on Aging.
 3. The director will review the technical assistance request, determine appropriate response, and make staff assignment for formulating response.
 4. Area agencies will be notified in writing of the actions of this agency relative to any technical assistance requests submitted.

4-14 PUBLIC INFORMATION RESPONSIBILITIES.

- (1) The state agency will maintain information on the needs and characteristics of the elderly and on programs for the elderly.
- (2) The state agency will conduct the following activities as part of its information function:
 - (a) The state agency will utilize a system of dated and serialized memoranda to promulgate program and policy information to area agencies and project directors and to disseminate information from the national, regional, and state levels.
 - (b) The state agency may distribute publications upon request to area agencies, project directors, organizations, and interested individuals on general information and developments in the field of aging, both nationally and statewide.
 - (c) The state agency will maintain publications, periodicals, studies, and audio visual materials for resources or training purposes.

4-15 POLICY WAIVERS.

- (1) Any policy contained herein which is not mandated by law or regulation may be waived by the state agency when circumstances warrant such action.
- (2) Contractors desiring a waiver should request a copy of the state agency's policy waiver form and instructions.
- (3) In no instance shall policy waivers be effective beyond the budget period for which they are granted.